

two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion was agreed to; and the Presiding Officer (Mr. CAMPBELL) appointed Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. HATFIELD, Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, and Mr. BYRD conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I want to compliment the good effort of all of the members of our committee and our staffs for the work they have done in preparing this bill, in getting it to the floor and handling the bill and answering questions, and my colleagues' dealing with amendments and all of the things that go into managing a bill on the floor of the Senate.

We appreciate the cooperation of all Senators in getting the bill passed in a timely fashion.

I especially want to single out for praise the staff members of this subcommittee: Rebecca Davies, Hunt Shipman, Jimmie Reynolds, Galen Fountain, and Carole Geagley. We thank them very much for their hard work and their expert assistance.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The Senate continued with consideration of the bill.

AMENDMENT NO. 2708

The PRESIDING OFFICER. The Chair would note the pending question now is the Brown second-degree amendment to the committee on page 16 of H.R. 1868.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I may proceed for about 7 or 8 minutes in morning business.

Mr. BROWN. Reserving the right to object, Mr. President, I will not object, but the distinguished Senators were concerned about the Pakistan amendment I have offered. I will make available an intelligence briefing to Senators in the near period.

I will not object to this, but I do want the Senate to know that I believe Senator LEVIN from Michigan and others will arrange for an intelligence briefing related to this, and those interested should contact Senator LEVIN for that briefing. I think that may speed it up.

I do not object.

Mr. MCCONNELL. Mr. President, will the Senator yield? I inquire of the Senator from Colorado whether he objects to our temporarily laying aside his amendment and taking up other amendments?

Mr. BROWN. The concerns expressed by Senator LEVIN and Senator GLENN do request some additional time for this briefing. I think it would be only due courtesy to them to allow some ad-

ditional time, so I will not object to moving ahead with the D'Amato amendment.

Mr. GLENN. Reserving the right to object, and I will not object, it is a little premature to say we have this set up or to imply we do because we do not have it set up. We do not know whether we can get the proper official to do the briefing. We will arrange that as fast as we can and let everybody know about that.

The PRESIDING OFFICER. Is there an objection to the request of the Senator from New Jersey for 7 minutes under morning business?

Hearing no objection, the Senator is recognized.

#### FDA SHOULD REGULATE TOBACCO

Mr. LAUTENBERG. Mr. President, I wanted to take a little time to comment on some legislation that was introduced this morning by my colleague, friend, and distinguished Senator from Kentucky earlier this day, having to do with tobacco.

Mr. President, let me begin by commending the Senator from Kentucky for his acknowledgment that smoking is a serious public health problem among our young people.

Senator FORD's legislation seeks to curb advertising directed at young people and to limit children's access to tobacco. These are important goals. However, I strongly oppose the provision in the Senator's legislation that would seek to strip the FDA from asserting its authority to regulate tobacco products.

Mr. President, nicotine is an addictive drug. This has not only been proven by a number of scientific studies, but was also revealed in confidential industry documents in the past year.

Consider the following statement contained in an industry document by an official with the Brown and Williamson tobacco company. It said, "Moreover, nicotine is addictive. We are then," he goes on to say "in the business of selling nicotine, an addictive drug." Mr. President, this is directly from the tobacco industry.

Now, last month President Clinton took a bold step to fight teenage smoking. He stood up to the industry, the tobacco industry, and he did the right thing. He deserves a lot of credit. President Clinton took the side of parents, American parents. They do not want their children smoking. Neither do I and neither do most here.

The President is targeting smoking by teenagers, and I agree with this approach. It goes right to the source of the problem, especially if you consider the following: 3,000 children start smoking every day. More than 80 percent of all smokers had their first cigarette before the age of 18. If a child does not smoke before age 18, it is very unlikely that they will become a smoker in their adult life.

More than half of all adult smokers had already become addicted regular

smokers before they were 18 years of age.

It is clear that smoking is a pediatric disease that ultimately contributes to over 400,000 deaths a year, enormous financial costs, terrific family dislocation and puts a burden on us that continues to add problems to our deficit.

Unfortunately, it is getting worse. Between 1991 and 1994, the percentage of eighth graders who smoked increased by 30 percent. The percentage of 10th graders who smoke increased by 22 percent.

Mr. President, we need the FDA to help us fight this major public health problem. Nicotine is an addictive drug, and the FDA is supposed to regulate addictive drugs. There is no reason to make a special exception for the tobacco industry.

Mr. President, it would be a terrible mistake to tie the agency's hands in this critical area. We need a strong watchdog to ensure compliance with the President's initiatives. We also have to be prepared to take additional steps to reduce teenage smoking. The FDA has a critical role to play.

Mr. President, ensuring compliance with President Clinton's new initiative is not going to be easy. In fact, I now have seen firsthand how easy it is for children to purchase tobacco products. In New Jersey, we have fairly strict rules on the ability to purchase tobacco by those underage. I went on a New Jersey Health Department compliance check in a couple of towns in New Jersey with two 17-year-olds. We went to 10 places to purchase cigarettes. These minors were able to purchase cigarettes at all 10 locations without a question, whether it was a machine which was supposed to be controlled by the management of the store of the location or whether it was directly over the counter.

This is outrageous, Mr. President. The products they were able to buy—and this is not to single out a particular brand because that is irrelevant—but the products are the ones that we commonly see, the better advertised, the more popular. They just happen to be there; some of them had room on the counter. You did not even have to look at the clerk to buy them—just get up and pay for them, no questions asked.

Mr. President, I think it is obvious keeping tobacco away from young people is going to be very difficult. We need the FDA to help lead that battle.

Now, unfortunately, the legislation of our distinguished colleague from Kentucky will strip them of the power needed to respond to this public health crisis. I intend to strongly oppose the proposal and to fight as hard as I can to protect the health and well-being and the futures of our young people.

I yield the floor.

Mr. FORD. Mr. President, I ask unanimous consent I might proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, the distinguished Senator from New Jersey and I are friends, and we disagree in some respects on this one particular item. One point I would like to make to the distinguished Senator is that I have made an extra effort to put forward legislation that would do what he wants to do. He does not have any penalty in what he is talking about. Under my bill, if it was law, those clerks would have a penalty. It would be a double penalty. And I think we would stop them. At least they would think before they would sell to possible underage people, or teenagers.

So, what we have attempted to do here is not move in and tell an adult—make a decision for him. As I said earlier, one of the things we pride ourselves in is to try to keep Big Brother out of our business. Senator after Senator after Senator has stood on this floor and fussed about FDA. They are not completing their business. They are not getting the job done. They are not approving drugs for the elderly. They are not doing all this. I can go back and give you page after page after page.

Now they want to take on this huge responsibility, additional responsibility. And we already have the mechanism to do it: The Federal Trade Commission and Health and Human Services. We already have the vehicle. Why create another bureaucracy? And why should I tax you, indirectly, and say, "You give me money so I can put you out of business." They want \$150 million a year.

My distinguished friend from New Jersey is proud of the fact that he took a small business and built it into a very large business. But if Government had said to him, "Give me money so we can put you out of business," I do not believe the Senator would have liked that a bit.

He will say there is a difference between his product and the one we are discussing here today. That is fine. But the principle is still the same. So we take the vending machine law, the strongest one in the country, and say that if you break this law then the States and the principals are fined; they are double. And we have the mechanism to do it right now. So the constitutional question that we have is another problem, as to the content of the advertisement.

I am not going to be voting for an additional tax. I do not believe my friend from New Jersey will vote for an additional tax either. I hope we listen to him as he talks about the additional smokers per day. Every day we delay here, every day we say we are not going to help FORD pass his legislation, means that it is another day's delay. We could do it today rather than tomorrow. I think I have tried my best. But best is, apparently, not good enough.

So the FDA is just adding another layer of bureaucracy. They are asking for money, under their regulations.

Lord knows how they are going to get it without an act of Congress. The constitutional question on first amendment rights—they have sent the lawyers from the manufacturers and advertising groups all to the courts the same day. So that will be in the courts for years and years and years.

So what is happening here, if we can pass my legislation we can get to the root of the problem. We banned advertising around schools. We banned the use of tobacco in movies. We banned the use of tobacco of any form in videos or amusement areas. But we do not say that an adult does not have a choice.

So what we are getting ready to do here, in the guise of protecting teenagers, is to go to prohibition. That is my problem. I am trying to be helpful. I am trying my best to be helpful. If he was in my place, I think he would be doing the same thing. But he says he is not and I understand that.

But rights are rights. When you become of age you have a right to make a choice in this country. Let us stop them under 18. I am for that, and my legislation will do that. If we just get a little help, instead of delaying the implementation of this law—I think we ought to go ahead and pass it so we can stop, sooner than later, teenage smoking in this country.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, in just a couple of minutes, one of the things that happens to us occasionally on this floor is that we have to argue with friends for whom we have respect and admiration because we disagree. I must give the distinguished Senator from Kentucky credit because he has worked cooperatively to try to reduce the exposure for young people to tobacco, recognizing along the way, obviously, the possibility exists that it could be—I do not want to put words in his mouth, but his legislative proposal suggests it could be addictive. So it is a long step along the way. I thank him and I respect the Senator from Kentucky's legislative perspective here.

I would say that I believe the FDA involvement is essential to the success of the program of curbing teenage smoking. I do appreciate and understand the position that the Senator from Kentucky is in. He is concerned about the farmers in Kentucky who grow tobacco, those who process the product, and I know he has long been an advocate of trying to make a sensible approach to the marketing of tobacco products without curtailing people's decisionmaking. I respect that.

But, Mr. President, I really do think the only way to make this an effective battle against teenage smoking is to include the FDA, to give them the responsibility as they would have for any other addictive drug, and to pursue the course of action proposed by the President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO], is recognized.

#### FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. D'AMATO. Mr. President, I ask if the pending amendment has not been set aside, the Brown amendment be set aside for purposes of my offering an amendment, at which time the amendment will recur.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2709

(Purpose: To limit Economic Support Fund assistance to Turkey, and for other purposes)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. PRESSLER, Mr. SARBANES, and Ms. SNOWE, proposes an amendment numbered 2709.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

#### LIMITATION ON ASSISTANCE TO TURKEY

SEC. . Not more than \$21,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" may be made available to the Government of Turkey.

On page 11, line 10, before the period at the end of the line, insert the following: "Provided further, That \$10,000,000 of the funds made available under this heading shall be transferred to, and merged with, the following accounts in the following amounts: \$5,000,000 for the Department of the Treasury, and \$5,000,000 for the Department of Justice, to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses".

Mr. D'AMATO. Mr. President, I offer this amendment on behalf of Senator PRESSLER, Senator SARBANES, Senator SNOWE and myself. I rise to propose an amendment to the foreign operations bill, which will help restore credibility to our foreign assistance program by ensuring that one of the largest recipients of United States aid, the Republic of Turkey, adheres to internationally accepted standards for human rights and humanitarian practices.

My amendment will cap at \$21 million the amount of economic support funds that the United States gives to Turkey. Ten million dollars in savings by capping these funds would then be appropriated by \$5 million each to the Treasury and the Justice Departments to support law enforcement training